IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 21ST FEBRUARY 2007 / 2ND PHALGUNA 1928

Bail Appl..No. 1008 of 2007()

CRIME NO.40/07 OF CHALISSERY POLICE STATION

: PETITIONER/ACCUSED

MOHANAN, S/O. NARAYANAN, AGED 46 YEARS,
CHEERANDI NJALIL HOUSE, ARANGOTTUKARA,
PATTAMBI, PALAKKAD DISTRICT.

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENT: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, REPRESENTING THE S.I. OF POLICE,
CHALISSERY POLICE STATION.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO.1008 OF 2007

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DATED THIS THE 21ST DAY OF FEBRUARY, 2007

O R D E R

Petitioner who is the accused in Crime No.40/07 of Chalissery Police Station for offences punishable under sections 279 IPC and section 55(a) of the Abkari Act, seeks anticipatory bail.

2. The case of the prosecution is that on 27.1.2007 at about 8.30 PM, the autorickshaw driven by the accused dashed against a motor cycle and 14 bottles altogether containing 4.08 litres of IMFL and a glass tumbler were inside the autorickshaw and the petitioner soon after the incident made good his escape.

3. The case of the petitioner on the other hand is that the autorickshaw of which his wife is the registered owner met with an accident and petitioner was not the driver of the autorickshaw and the contraband liquor also does not belong to the petitioner.

4. It is too early to accept the petitioner's version at this stage of the investigation. At any rate, anticipatory bail cannot be granted in a case of this nature. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail, within two weeks

from today, the same shall be considered and disposed of, preferably on the same date on which it is filed.

This application is disposed of as above.

V.RAMKUMAR, JUDGE

dsn